

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

<b>PETITION OF NPCR, INC.,</b>	)	
<b>D/B/A NEXTEL PARTNERS FOR</b>	)	<b>CASE NO. 2003-00143</b>
<b>DESIGNATION AS AN ELIGIBLE</b>	)	
<b>TELECOMMUNICATIONS CARRIER IN</b>	)	
<b>THE COMMONWEALTH OF KENTUCKY</b>	)	

**SUPPLEMENTAL INFORMATION REQUESTS**

Come Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc., and the Independent Telephone Group,<sup>1</sup> by counsel, and pursuant to the Commission's Order of August 13, 2003, hereby submits the following information requests to Nextel Partners.

**Definitions and Instructions**

The information requests are governed by the following definitions and instructions:

**Definitions**

1. "You," "your," or "Nextel Partners" - Means or pertains to the named company or companies seeking ETC status in this proceeding and includes, without limitation, each of these companies' officers, directors, employees, agents, attorneys, corporate subsidiaries and affiliates.

2. "Persons" - Means any and all natural persons, corporations, businesses, firms, companies, partnerships, unincorporated associations, governmental or public agencies, joint

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<sup>1</sup> An association of rural telephone companies consisting of Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Coalfields Telephone Company; Duo County Telephone Cooperative Corporation, Inc.; Foothills Rural Telephone Cooperative Corporation, Inc.; Highland Telephone Cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; North Central Cooperative Corporation; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Incorporated and West Kentucky Rural Telephone Cooperative Corporation, Inc.

ventures and all other entities, including, without limitation, all employees, representatives, consultants and agents of any of the foregoing.

3. "Documents" - Means any and all written, electronic or graphic matter, of any kind or description, however created, produced, reproduced or stored, whether sent or received, or whether originals, copies or drafts, including, but not limited to, every side of every page of all letters, papers, books, correspondence, bulletins, circulars, instructions, telegrams, cables, telex messages, facsimiles, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of notes or meetings, conferences, interviews or telephone or other conversations, affidavits, statements, summaries, opinions, studies, analyses, evaluations, work sheets, contracts, agreements, journals, statistical records, desk or pocket calendars, appointment books, diaries, lists, tabulations, advertisements, sketches, drawings, blue prints, catalogs, audio or video records, photographs, computer printouts, e-mail transmissions, data processing input and output, deeds, microfilm, all other records kept by electronic, photographic or electrical means, and things similar to any of the foregoing however denominated.

4. "Relating to" or "Relate(s) to"- Means directly or indirectly mentioning, consisting of, evidencing, describing, referring to, pertaining to, being connected with, or reflecting upon the stated subject matter.

5. The words "any" and "all" shall be considered to include each and every.

6. The singular of any word shall include the plural and the plural of any word shall include the singular.

7. The word "expert" as used herein includes any person who will be offering expert testimony on behalf of Nextel Partners or who has been consulted or relied upon by any person who assisted in the preparation of the responses to these information and document production requests or who will be offering testimony on behalf of the Nextel Partners in this matter.

8. "CMRS" shall mean and refer to commercial mobile radio service.

9. "ETC" or "Eligible Telecommunications Carrier" shall mean and refer to the term as provided for in the Communications Act of 1934, as amended, and as used in applicable Commission and FCC orders and rules.

10. "Commission" means Kentucky Public Service Commission.

12. "FCC" means Federal Communications Commission.

13. "Act" means the Communications Act of 1934, as amended.

14. A "Serving Independent Telephone Group Member" means the Independent Group member that is the incumbent local exchange carrier within the geographic area for which Nextel Partners has requested ETC status.

### **Instructions**

In answering these information requests, you are required to furnish all information that is available to you, or subject to your reasonable inquiry, including the information in the possession of you, your attorneys or other persons directly, or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control. In answering each information request:

A. Identify by title, heading or caption, date, sender, recipient, location and custodian, each Document relied upon, reviewed or which forms a basis for the response given or which corroborates or Relates to the response given or the subject of what is given in response to these information requests;

B. State whether the information furnished is within the personal knowledge of the person responding and, if not, the name, if known, of each person to whom the information is a matter of personal knowledge;

C. Identify each person who assisted or participated in preparing and/or supplying any of the information given in response to or relied upon in preparing responses to these information requests;

D. Where an information request calls for a response in multiple parts, each part should be separated in the response so that the response is clearly understandable and complete;

E. Where the name or identity of a person is requested, state the full name, business address, and any telephone numbers of each person;

F. If you object to the production of any Document called for in these information requests, for each such Document state the following: (1) the reasons for the objection and any facts supporting the objection; (2) give a description of each Document including, without limitation, the date, sender, recipient(s), persons to whom copies have been furnished, job titles of each of the persons, subject matter of the Document, number of pages of the Document, the number(s) of the request to which such Document is responsive and the identity of the person in whose custody the Document is presently located.

G. If any Document is withheld under claim of privilege or work product, furnish a list identifying each Document for which the privilege or work product is claimed, together with the following information for each such Document: date, sender, recipient(s), persons to whom copies were furnished, job titles of each of those persons, subject matter of the Document, number of pages of the Document, the bases on which the privileges or work product is claimed, the paragraph(s) of these requests to which the Document responds, the person in whose custody the Document is presently located, and whether any matter that is not privileged or is not work product is discussed or mentioned in each Document.

H. If any Document requested was, but is no longer in the possession or subject to the control of Nextel Partners, or is no longer in existence, state whether it: (1) is missing or

lost; (2) has been destroyed; (3) has been transferred voluntarily or involuntarily to others and state the identity of the persons to whom it has been transferred; (4) has otherwise been disposed of, or in each instance explain the circumstances surrounding such disposition, state the date or approximate date thereof and the identity of the persons with knowledge of such circumstances; (5) identify the Documents that are missing, lost, destroyed, transferred or otherwise disposed of, by author, date, subject matter, addressee(s), and the number of pages.

I. If you do not clearly understand, or have any questions about, these definitions, instructions, or information requests, contact counsel for the Independent Telephone Group promptly for clarification.

### **Information Requests**

1. With respect to Nextel Partner's incomplete response to ITG's Request No. 1, Nextel Partners has stated that the service offerings that will be offered as a condition of ETC designation are those "offerings currently available directly from the company." What specifically are those offerings?

2. Specifically with respect to the cellular tower site map recently provided to the ITG by Nextel Partners pursuant to the Protective Agreement, please provide the actual information that was requested by the ITG in its Information Requests of August 29, 2003 as follows:

a For Request No. 4 -- Show the Study Areas of the rural local exchange carriers for which Nextel Partners seeks ETC designation; i.e., show which cell sites are within the study areas of the rural local exchange carriers for which Nextel Partners seeks ETC status.

b. For Request No. 5 -- For each of the ITG rural LEC study areas in which Nextel Partners seeks ETC designation, i.e., Logan Telephone Cooperative, Inc; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; and South Central Rural Telephone Cooperative Corporation, Inc., please provide the actual

area served by Nextel Partners utilizing the typical 39 dbu contours around each cell site within each incumbent rural LEC study area.

3. With respect to Nextel Partner's incomplete response to ITG Request No. 19, Nextel Partners has stated that it will provide Lifeline service "as required by the FCC." Since Nextel Partners apparently does not currently offer or provide Lifeline service, please explain in detail exactly what service Nextel Partners intends to offer to satisfy this statement, how it will identify customer requests that are requests for lifeline service, the prices for such lifeline services, and the service to be obtained by a customer of lifeline service.

4. With respect to Nextel Partner's incomplete response to ITG Request No. 24, Nextel Partner's initial response stated that it would pay all "taxes;" however "taxes" are not the same as "contributions" to a intrastate universal service fund. Please confirm that the correct response is that Nextel Partners will provide contributions to a state Universal Service fund to the extent that the Kentucky Public Service Commission includes Commercial Mobile Radio Service providers and their service revenue in the contribution base for an intrastate Universal Service fund.

5. With respect to Nextel Partner's incomplete response to ITG Request No. 26, does Nextel Partners have an effective interconnection agreement with Logan Telephone Cooperative, Inc.? Does Nextel Partners have an effective interconnection agreement with Mountain Rural Telephone Cooperative Corporation, Inc.? Does Nextel Partners have an effective interconnection agreement with Peoples Rural Telephone Cooperative Corporation, Inc.? Does Nextel Partners have an effective interconnection agreement with South Central Rural Telephone Cooperative Corporation, Inc.?

6. With respect to the response to ITG Request No. 29 provided to the ITG by Nextel Partners pursuant to the Protective Agreement, what is the geographic basis that Nextel Partners applies to determine the reported line counts by LEC study area and how did Nextel Partners determine whether a customer of its Commercial Mobile Radio Service for which Nextel Partners seeks Universal Service support disbursements was "within" each of the ITG rural LEC study areas? That is, please explain exactly the methodology used to determine whether a Commercial Mobile Radio Service customer should be counted for a specific study area.

7. Please provide the capital dollars budgeted for the years 2004, 2005, and 2006 to be used specifically to add additional cell sites or to expand service coverage within each of the ITG rural LEC study areas in which Nextel Partners seeks ETC designation.

8. Please provide a list of any existing contractual arrangements that Nextel Partners has in place which will allow it to establish additional cell sites or to use other parties' existing towers for the establishment of additional cell sites within the ITG rural LEC study areas in which Nextel Partners seeks ETC designation.

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BY: Lindsey Ingram, Jr. by LWS III  
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ATTORNEYS FOR INTERVENORS

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been served by mailing same, postage prepaid, on this 29<sup>th</sup> day of January, 2004, to the following:

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